

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-6-05

WHEREAS, ROY R. LUSTIG, TRUSTEE applied to Community Zoning Appeals

Board 2 for the following:

- (1) RU-1 to RU-5A
- (2) Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
- (3) Applicant is requesting to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines.
- (4) Applicant is requesting to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #4 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Professional Building," as prepared by Steven B. Schwartz, Page A-1 dated 4/14/04 and the remaining 4 pages dated 3/1/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 1 & 2, less the north 30.09', Block 3, RIVERDALE, Plat book 44, Page 71.

LOCATION: The Southwest corner of N.E. 24 Avenue & N.E. 186 Street (Miami Gardens Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 2 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 2 that the requested

district boundary change to RU-5A (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requests to permit an office building to setback 20' from the front (north) property line and setback 20' from the rear (south) property line (Item #2), to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines (Item #3), and to permit a dumpster enclosure to setback 66' from the front (north) property line and to setback 0' from the interior side (west) property line (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that said application was approved by Resolution No. CZAB2-6-04, and

WHEREAS, ART PAPASTAVROS appealed the decision of Community Zoning Appeals Board 2 to the Board of County Commissioners for the following:

- (1) RU-1 to RU-5A
- (2) Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
- (3) Applicant is requesting to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines.
- (4) Applicant is requesting to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #4 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Professional Building," as prepared by Steven B. Schwartz, Page A-1 dated 4/14/04 and the remaining 4 pages dated 3/1/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 1 & 2, less the north 30.09', Block 3, RIVERDALE, Plat book 44, Page 71.

LOCATION: The Southwest corner of N.E. 24 Avenue & N.E. 196 Street (Miami Gardens Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the appellant requested permission to withdraw the appeal, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 2 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the request to withdraw the appeal should be granted, and

WHEREAS, a motion to grant the request to withdraw the appeal was offered by Commissioner Sally A. Heyman, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrian D. Rolle	aye
Jose "Pepe" Diaz	absent	Natacha Seijas	absent
Carlos A. Gimenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	absent	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the request to withdraw the appeal be and the same is hereby granted without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB2-6-04 remains in full force and effect.

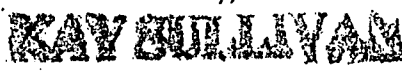
The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 17th day of March, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-9-CZ2-1

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By 
Deputy Clerk


THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 28TH DAY OF MARCH, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-6-05 adopted by said Board of County Commissioners at its meeting held on the 17th day of March, 2005.

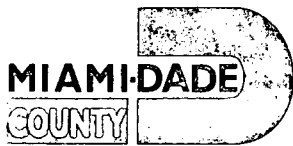
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 28th day of March, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

T 305-375-2800

miamidade.gov

ADA Coordination

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Business Development

Capital Improvements Construction Coordination

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

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Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Health Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Assessment Center

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraiser

Public Library System

Public Works

State Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer

March 28, 2005

Roy R. Lustig, Trustee
c/o Brian Adler
2500 First Union Financial Center
200 South Biscayne Boulevard
Miami, FL 33131-2336

Re: Hearing No. 04-9-CZ2-1
Location: The Southwest corner of N.E. 24 Avenue
& N.E. 196 Street (Miami Gardens Drive),
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-6-05, adopted by the Board of County Commissioners, which granted the appellant's request to withdraw the appeal on the above-described property. The previous approval of this application under resolution CZAB2-6-04 will remain in full force and effect.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **March 28, 2005**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure